

IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

IN THE MATTER OF A PENDING  
CRIMINAL INVESTIGATION

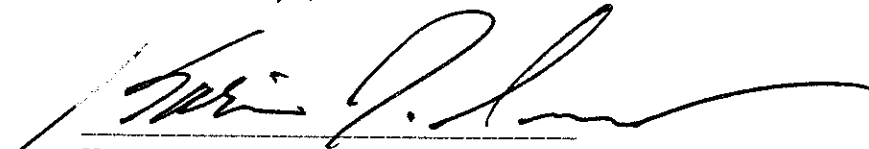
ORDER SEALING SEARCH  
WARRANT MATERIALS

Good cause appearing from the affidavit of Detective Anthony Merrill, the Court finds that disclosure of the materials subject of this order would:

- ☒ Jeopardize an ongoing law enforcement investigation;  
☐ Jeopardize the life or safety of one or more individuals whose identity and role may be determined from an inspection of those materials.

It is therefore ORDERED that the Affidavit for Search Warrant, the related Search Warrant and Seizure Order and the Return of Search Warrant issued January 30, 2019, enclosed herewith be sealed and not disclosed to any person until further order of this court.

Dated: 2/1/19

  
Karin J. Immergut, Circuit Court Judge

FILED  
2019 FEB -4 PM 1:45

MULTNOMAH COUNTY CIRCUIT COURT  
SEARCH WARRANT RETURN

The ORIGINAL WARRANT must be attached to this return.  
The completed return must be mailed to issuing judge (at 1021 SW 4<sup>th</sup> Ave,  
Portland, OR 97204) or delivered to that judge in person.  
Do not email or fax this return.

The declarant identified below makes the following search warrant return:

1. This warrant was issued by Judge Karin Immergut
2. This warrant was issued on 1/30/19 at 12 am/pm (pm)
3. The affiant was: ☒ the undersigned, or  
☐ \_\_\_\_\_ BPSST# \_\_\_\_\_
4. The warrant was: ☐ not served, or  
☒ served on 1/30/19 at 1659 am/pm (pm)
5. During the execution of the warrant:  
☒ No property was seized, or  
☐ Property was seized, see attached \_\_\_\_\_ pages, or  
☐ The below listed items were seized:

\* Search warrant ORDER emailed to AT&T  
Wireless and awaiting results. See attached  
email.

6. I hereby declare that the above statements (and the attached pages, if any) are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and are subject to penalty for perjury.


Anthony J. Merrill  
OFFICER SIGNATURE

Anthony Merrill #35227  
PRINTED NAME

Agency: P.P.B. DPSST# 35227 CONTACT # 503-793-2154



**Merrill, Anthony**

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 **From:** Merrill, Anthony  
**Sent:** Wednesday, January 30, 2019 4:59 PM  
**To:** 'gldc@att.com'  
**Subject:** Portland Police Bureau Case #18-183742  
**Attachments:** 20190130162011558.pdf


To AT&T Wireless Legal Department,

This is Detective Anthony Merrill, #35227, with the Homicide Detail of the Portland Police Bureau in Portland, Oregon.

I have attached a signed search warrant by a judge for two (2) AT&T cell phone numbers,   


My Portland Police Bureau work address is as follows along with my desk phone number:

Detective Anthony Merrill, #35227  
Homicide Detail  
Detective Division – 13<sup>th</sup> Floor  
1111 SW 2<sup>nd</sup> Avenue  
Portland, OR 97204  
Work Desk phone number: 503-823-4033  
Work Cell number: 503-793-2154

 My work email is:

[Anthony.Merrill@portlandoregon.gov](mailto:Anthony.Merrill@portlandoregon.gov)

Thank you in advance for your attention to this matter and please call and/or email me with any questions or concerns.

Sincerely,

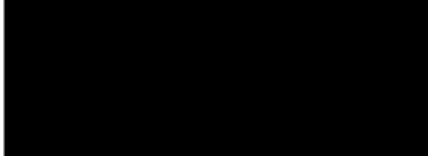
Detective Anthony Merrill

**IN THE CIRCUIT COURT OF THE STATE OF OREGON**  
**FOR THE COUNTY OF MULTNOMAH**

**IN RE:**

**AT&T Wireless**  
**11760 US Hwy 1**  
**North Palm Beach, Florida 33408**

**PHONE NUMBERS:**



**PPB CASE NUMBER 18-183742**

**COURT ORDER AND WARRANT  
UNDER SEAL FOR COURT ORDER  
AND SEARCH WARRANT  
AUTHORIZING RELEASE  
OF HISTORICAL ELECTRONICALLY  
STORED CELL SITE/SECTOR  
INFORMATION AND CELL PHONE  
VISITOR LOCATION REGISTER (VLR)  
INFORMATION AND HISTORICAL  
PRECISION LOCATION INFORMATION  
AND SUBSCRIBER INFORMATION**

**ORDER**

Whereas an application has been made by Detective Anthony Merrill of the Portland Police Bureau, pursuant to Oregon Revised Statutes (ORS) 165.657 to 165.673 and 18 United States Code Section 2701-2712, 3121-3127 for an order authorizing the release of electronically stored historical cell site/sector information, and Visitor Location Register (VLR) information, along with all text message and or SMS/MMS message transmission providing the direction and strength of the signal, and the Historical Precision Location Information as the applicant had both certified and provided specific and articulable facts that the information likely to be obtained by such installation, use, and disclosure is material and relevant to an

ongoing criminal investigation, and there is probable cause to believe that the crimes of Criminal Homicide (ORS 163.005), being investigated occurred in City of Portland, Multnomah County, State of Oregon, as it is hereby authorized by this Court and Ordered that the cellular telephone provider AT&T Wireless upon request of the Portland Police Bureau, shall provide the following information and services without delay:

Release the electronically stored cell site/sectors related to the location of cell site/sector (physical address) at call origination (for outbound calling), call termination (for incoming calls) and during the progress of a call, the direction and strength of signal, and Visitor Location Register (VLR) information, along with all text message and or SMS/MMS message transmission providing the direction and strength of the signal, and the Historical Precision Location Information for handset with assigned number [REDACTED] hereinafter the Subject Telephone Number #1) and [REDACTED] hereinafter referred to as the Subject Telephone Number #2) from November 24<sup>th</sup>, 2017 at 0000 hours to September 5th, 2018 at 2400 hours, regarding the Subject Telephone Numbers #1 and #2.

IT IS FURTHER ORDERED, that this application and Order can be FAXED and/or EMAILED to the cellular telephone provider AT&T Wireless, and that the cellular telephone providers' employees and/or agents are authorized to conduct the actual search of their records and seize said evidence then provide the relevant documents to the Portland Police Bureau and Detective Anthony Merrill for subsequent review and use;

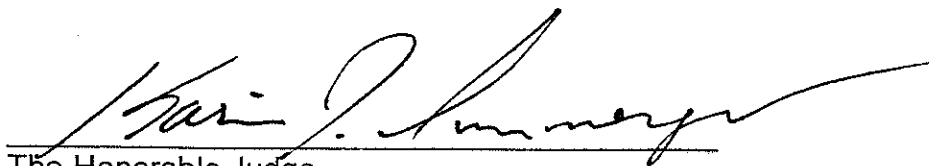
IT IS FURTHER ORDERED that law enforcement and non-law enforcement personnel, including agents of the Oregon Department of Justice (DOJ) are authorized to search, seize, review and use all information provided;

IT IS FURTHER ORDERED, that the wireless carrier be compensated by the investigative agency for reasonable expenses incurred in providing technical assistance; and,

IT IS FURTHER ORDERED that the wireless carrier provide immediately, without unnecessary delay, electronically stored cell site/sectors related to the location of cell site/sector (physical address) at call origination (for outbound calling), call termination (for incoming calls) and during the progress of a call, the direction and strength of signal, and Visitor Location Register (VLR) information, along with all text message and or SMS/MMS message transmissions providing the direction and strength of the signal, and the Historical Precision Location Information for the Subject Telephone Number from November 24<sup>th</sup>, 2017 at 0000 hours to September 5<sup>th</sup>, 2018 at 2400 hours, regarding the Subject Telephone Numbers #1 and #2;

Good Cause having been shown, IT IS FURTHER ORDERED that this Order and affidavit be sealed until otherwise ordered by the court, that the identity of the target of the underlying criminal investigation may be redacted from any copy of this Order to be served on any service provider or other person, and that the wireless carrier and its representatives, agents and employees shall not disclose in any manner, directly or indirectly, by any action or inaction, the existence of this Order or the existence of the above-described investigation, to the listed subscriber for the Subject Telephone Numbers #1 and #2, the occupant of said premises, the subscribers of the incoming calls to or outgoing calls from the Subject Telephone Numbers #1 and #2, or to any other person, in full or redacted form, unless or until otherwise ordered by the court.

IT IS SO ORDERED



The Honorable Judge  
Multnomah County Circuit Court Judge

Signed this 30<sup>th</sup> day of January 2019.

**IN THE CIRCUIT COURT OF THE STATE OF OREGON**  
**FOR MULTNOMAH COUNTY**

**IN RE:**

**WIRELESS CELL NUMBER:**



**SUBSCRIBED THROUGH:**  
**AT&T Wireless**

- ) PPB CASE NUMBER 18-183742
- )
- ) ADDENDUM AFFIDAVIT
- ) FOR COURT ORDER AND SEARCH
- )
- ) WARRANT AUTHORIZING RELEASE
- ) OF HISTORICAL ELECTRONICALLY
- ) STORED CELL SITE/SECTOR
- ) INFORMATION AND CELL PHONE
- ) VISITOR LOCATION REGISTER (VLR)
- ) INFORMATION AND HISTORICAL
- ) PRECISION LOCATION INFORMATION
- ) AND SUBSCRIBER INFORMATION

**ADDENDUM**

**APPLICANT**

I, Anthony J. Merrill, upon my oath, do hereby depose and say that:

I am employed as a Detective with the Portland Police Bureau (PPB) and have been a police officer for over twenty years. I have a Bachelor of Arts Degree with a major in Political Science. I am currently assigned to the Detective Division and have worked as a member of the Homicide Detail for over the last seven years. I have attended and completed the Oregon State Basic Police Academy, the Portland Police Bureau Advanced Academy, and the Portland Police Bureau Detectives' Academy. I was also



assigned previously as a Detective to the Tactical Operations Division as a member of the Gang Enforcement Team, Robbery, Cold Case Homicide, Afternoon General Assignment, Fraud, and Assault Details. I have received training from Wicklander-Zulawski & Associates in Interview and Interrogation, Third Degree Communications, Inc. in Interview and Interrogation and Robbery Investigations, and Inside the Tape in Homicide and Crime Scene Management training. I have also attended and received training at multiple, annual Oregon Homicide Investigator Association conferences of which I am a member and have presented multiple case studies. I was assigned as a Patrol Officer at Central Precinct on afternoon and morning shifts for four years, a Street Crimes Specialty Unit Officer for one and a half years, a School Resource Officer for two and a half years, and a Mayor's Protective Detail Officer for one year.

### **APPLICATION**

The Portland Police Bureau, by Detective Anthony Merrill, hereby apply to the Court for an Addendum to Order, related to [REDACTED] (hereinafter the Subject Telephone Number #1) and [REDACTED] (hereinafter the Subject Telephone Number #2), authorizing AT&T Wireless to release: 1) historical electronically stored cell site/sector information, from November 24th, 2017 through September 5th, 2018; 2) Historical Precision Location Information for the handset of the Subject Telephone Number, from November 24<sup>th</sup>, 2017 through September 5th, 2018 and provide all subscriber information for any other phone numbers listed to the same account as the above listed number(s) AND for any other accounts billed to any subscriber at the same address as the listed number(s). Subscriber information is to include billing address, service address, subscriber name, account number, Social Security Number, date of birth, dates of service, so-called



"Can-Be-Reached" (CBR) numbers-alternate contact numbers given by the subscriber, long distance carrier, and any other account-type and/or credit information on file for this customer. Provide the ESN and/or IMSI and IMEI for all cell phones used by the subscriber(s) to the above listed or otherwise referenced telephone number(s). Also provide any other telephone numbers and the above requested subscriber information for any other telephone numbers associated with the subject ESN and/or IMSI and/or IMEI. In addition, supply information on all features subscribed to by each customer (such as caller ID, 3-way calling, speed dial, etc), rate schedules each number is billed on, and any other available billing information, along with all cellular device information from June 2<sup>nd</sup>, 2018 through September 5th, 2018, to include purchase or replacement of new cellular phone devices associated with this account.

The Subject Telephone Numbers #1 and #2 is the subject of and is relevant to an ongoing criminal investigation related to the Murder of Daniel C. Brophy at 1701 SW Jefferson Street, City of Portland, Multnomah County, Oregon.



That upon the service of warrant signed by Multnomah County Circuit Court Judge Stephon Bushong on June 19<sup>th</sup>, 2018, which is attached and incorporated herein as **Attachment 1**, AT&T Wireless electronically stored historical cell site/sector information (not real time tracking), including Visitor Location Register (VLR) and Historical Precision Location (HPL) information, for the Subject Telephone Number #1, 503-701-5612, was collected from May 2<sup>nd</sup>, 2018 through June 2<sup>nd</sup>, 2018 and examined, resulting in evidence related to the crimes of Murder (ORS 163.115) and Unlawful Use of a Weapon (ORS 166.220).

That upon the service of warrant signed by Multnomah County Circuit Court Judge Karin Immergut on December 19<sup>th</sup>, 2018, which is attached and incorporated herein as **Attachment 2**, nine (9) life insurance policies' applications and documents were collected from the respective life insurance companies and examined resulting in evidence related to the crimes of Murder (ORS 163.115) and Unlawful Use of a Weapon (ORS 166.220). Based on my training and experience it is more likely than not that additional evidence, documentation, and information will be collected from historical electronically stored cell site/sector information and cell phone precision location information and subscriber information.

#### **APPLICATION / ADDENDUM**

Your affiant is making an application of addendum to the Court for a historical Ex-Parte order to be issued to AT&T Wireless, a wireless cell phone company, through its appropriate agent, releasing electronically stored historical cell site/sector information (not real-time tracking), including Visitor Location Register (VLR) and Historical Precision Location (HPL) information, for the Subject Telephone Numbers #1 and #2, and all subscriber information for any other phone numbers listed to the same account as the above listed number(s) AND for any other accounts billed to any subscriber at the same address as the listed number(s). Subscriber information is to include billing address, service address, subscriber name, account number, Social Security Number, date of birth, dates of service, so-called "Can-Be-Reached" (CBR) numbers-alternate contact numbers given by the subscriber, long distance carrier, and any other account-type and/or credit information on file for this customer. Provide the

ESN and/or IMSI and IMEI for all cell phones used by the subscriber(s) to the above listed or otherwise referenced telephone number(s). Also provide any other telephone numbers and the above requested subscriber information for any other telephone numbers associated with the subject ESN and/or IMSI and/or IMEI. In addition, supply information on all features subscribed to by each customer (such as caller ID, 3-way calling, speed dial, etc), rate schedules each number is billed on, and any other available billing information, along with all cellular device information from June 2nd, 2018 through September 5th, 2018 to include purchase or replacement of new cellular phone devices associated with this account, because there are reasonable grounds to believe that such information is relevant and material to the ongoing criminal investigation.

1.  Applicant certifies that the Portland Police Bureau is engaged in a criminal investigation involving Nancy Lee Crampton-Brophy. It is believed that Nancy Lee Crampton-Brophy was using the Subject Telephone Number #1 during and surrounding the relevant time period, and that the information likely to be obtained from electronically stored historical cell site information, including Visitor Location Register (VLR) information, and Historical Precision Location information is relevant to the ongoing criminal investigation.
2.  Applicant certifies that the Portland Police Bureau is engaged in a criminal investigation involving Nancy Lee Crampton-Brophy. It is believed that Daniel Brophy was using the Subject Telephone Number #2 during and surrounding the relevant time period, and that the information likely to be obtained from electronically stored historical cell site information, including Visitor Location

Register (VLR) information, and Historical Precision Location information is relevant to the ongoing criminal investigation.

3. I have specific and articulable facts to believe the Subject Telephone Number #1 and #2 are associated with the same AT&T account.
4. I have specific and articulable facts to believe that Nancy Lee Crampton-Brophy, with [REDACTED] is a subject of interest in this ongoing criminal investigation.
5. Applicant requests that the Court issue an order authorizing release of the location of cell site/sector (physical address) at the call origination (for outbound calling), call termination (for incoming calls), and during the progress of a call, along with all text message and or SMS/MMS message transmissions providing the direction and strength of the signal, as well as the Visitor Location Register (VLR) information for the Subject Telephone Numbers #1 and #2, and Historical Precision Location information specific to AT&T Wireless to include any reports of device activity that would provide the approximate latitude and longitude of the device which will help reveal the general geographical position and movement of the cellular phone handset subscribed to the Subject Telephone Numbers #1 and #2 from November 24<sup>th</sup>, 2017 through September 5<sup>th</sup>, 2018.
6. The applicant further requests that the order direct the furnishing of information, facilities and technical assistance necessary to accomplish any installation of devices necessary, if any, unobtrusively and with a minimum of disruption of normal telephone service. The communications service provider shall be compensated by the Portland Police Bureau for reasonable expenses incurred in

providing such facilities and technical assistance.

7. Applicant also requests that this Court authorize your affiant or my designee to FAX and/or EMAIL this application/affidavit and order to the phone companies and that you authorize me to allow the phone companies' employees and/or agents to conduct the actual search of their records and seize said evidence then provide the relevant documents to your affiant for subsequent review and use. Additionally, that you allow me, my agent or designees to include law enforcement and non-law enforcement personnel to search, seize, review and use all information provided. This is to include members of the Oregon Department of Justice (DOJ), as necessary.
8. Applicant requests all subscriber information for any other phone numbers listed to the same account as the above listed number(s) AND for any other accounts billed to any subscriber at the same address as the listed number(s). Subscriber information is to include billing address, service address, subscriber name, account number, Social Security Number, date of birth, dates of service, so-called "Can-Be-Reached" (CBR) numbers-alternate contact numbers given by the subscriber, long distance carrier, and any other account-type and/or credit information on file for this customer. Provide the ESN and/or IMSI and IMEI for all cell phones used by the subscriber(s) to the above listed or otherwise referenced telephone number(s). Also provide any other telephone numbers and the above requested subscriber information for any other telephone numbers associated with the subject ESN and/or IMSI and/or IMEI. In addition, supply information on all features subscribed to by each customer (such as caller

ID, 3-way calling, speed dial, etc), rate schedules each number is billed on, and any other available billing information, along with all device information from June 2nd, 2018 through September 5th, 2018, to include purchase or replacement of new cellular phone devices associated with this account, as there is evidence that the subscriber obtained a new cell phone on August 4<sup>th</sup>, 2018, possibly in an attempt to conceal evidence associated with this incident.

9. Because this request relates to a continuing investigation, and the release of any information regarding the investigation while it remains ongoing may seriously compromise the success of the investigation and/or expose individuals to risk of harm, the applicant further requests that this application/affidavit and any associated court orders regarding the Subject Telephone Numbers #1 and #2 require the phone companies, their agents and employees not to disclose to the subscriber, or any other person, the existence of this application/affidavit and order or of this investigation unless otherwise ordered by this Court. Further, that this order and application/affidavit be sealed until otherwise ordered by this Court.

### **ARTICULABLE FACTS**

On June 2, 2018 Detective Darren Posey and I were directed to respond to 1701 SW Jefferson Street to conduct an investigation related to the death of Daniel C. Brophy. The assigned Case Number is 18-183742. During the course of this investigation Detective Darren Posey and I oversaw the collection of information from the crime scene located in and around the Oregon Culinary Institute located at 1701 SW Jefferson Street, City of Portland, Multnomah County, and State of Oregon. Chef

Brophy's wife, Nancy Crampton-Brophy was arrested and charged with the Murder of Chef Brophy on September 5<sup>th</sup>, 2018.

The following information is provided to establish probable cause relative to the information sought in this affidavit, and does not necessarily contain all of the facts and circumstances I am aware of relative to this ongoing investigation.

On September 14<sup>th</sup>, 2018 a Multnomah County Grand Jury indicted Nancy Crampton-Brophy for Murder with a Firearm Constituting Domestic Violence (ORS 163.115). Refer to **Attachment 2** for details of the probable cause developed in this investigation, including video surveillance that shows Nancy Crampton-Brophy's grey Toyota Siena Mini-van driving in the area of the Oregon Culinary Institute, (OCI), during the timeframe of Chef Daniel Brophy's murder which occurred inside OCI. Nancy Crampton-Brophy told Detective Darren Posey and I during our death notification interview with her on June 2<sup>nd</sup>, 2018, just outside OCI, that she was home in bed that morning after her husband, Chef Daniel Brophy, left for work and during his murder timeframe.

Refer to **Attachment 2** for further details of multiple gun purchases and gun accessories', such as a slide and barrel, purchased by Nancy Crampton-Brophy which match the same caliber of the gun used to murder Chef Daniel Brophy. These guns and gun accessory purchases also match the fired bullet slugs and spent casings recovered from the crime scene and the person of Chef Daniel Brophy. Nancy Crampton-Brophy told Detective Darren Posey and I during our June 2<sup>nd</sup>, 2018 death notification interview with her that she and Chef Daniel Brophy only owned one (1) gun which she purchased on February 17<sup>th</sup>, 2018 at a Portland gun show. Nancy



Crampton-Brophy never told us about another gun she purchased in late 2017 or about a separate gun slide and barrel she purchased in late February 2018.

I know that Detective Darren Posey applied for a search warrant on September 7<sup>th</sup>, 2018 to search Nancy Crampton-Brophy's storage unit located at [REDACTED] and that Multnomah County Circuit Court Judge Amy Holmes Hehn signed and authorized this warrant. I know that during this search warrant we found a 9mm Glock 19 type handgun from "GhostGuns.com". The handgun was a build kit that uses an un-serialized frame so the gun does not have to be registered with governmental agencies. The gun was not assembled at the time of discovery. Detective Darren Posey told me contacted "GhostGuns.com" regarding purchase information they might have for Nancy Crampton-Brophy. On September 10<sup>th</sup>, 2018, Detective Posey told me he received information from Kyle at "GhostGuns.com" regarding purchase information he had from Nancy Crampton-Brophy. Detective Posey told me he received via email an invoice from December 24<sup>th</sup>, 2017 for the purchase of an 80% build kit for a Glock 19, 9mm handgun. The receipt was listed for "Nancy Brophy" at [REDACTED] Beaverton, OR 97005. The card used to purchase the gun was with a Visa credit card with last four digits of "6094", believed to be associated with Nancy Crampton-Brophy's OnPoint Credit Union checking account. Detective Posey told me Kyle also provided the US Postal shipping information and delivery information showing a delivery on January 2<sup>nd</sup>, 2018 and a customer request for a parcel hold at the post office in Beaverton, Oregon.

This gun purchase dated December 24<sup>th</sup>, 2017 illustrates the planning for the Murder of Chef Daniel Brophy began back to the date and more likely than not began prior to that date in order to actually purchase this gun with potential research. Based

on my training and experience it is reasonable to believe prior planning and research began at least a month prior to this date of December 24<sup>th</sup>, 2017 when Nancy Crampton-Brophy actually committed to purchase an untraceable handgun through "GhostGuns.com".

On January 23<sup>rd</sup>, 2019, Portland Police Bureau Analyst Kelsey Baleilevuka, DPSST #91979, examined the AT&T Wireless electronically stored historical cell site/sector information (not real time tracking), including Visitor Location Register (VLR) and Historical Precision Location (HPL) information, for the Subject Telephone Number, 503-701-5612, collected from May 2<sup>nd</sup>, 2018 through June 2<sup>nd</sup>, 2018, (Refer to Attachment 1).

Analyst Kelsey Baleilevuka told me this cell phone registered a mobile data hit consistent with the area of the Oregon Culinary Institute, (OCI), 1701 SW Jefferson Street, Portland, Oregon at approximately 0730 hours on May 12<sup>th</sup>, 2018. OCI Executive Chef Brian Wilke told me May 12<sup>th</sup>, 2018 was a Saturday and Chef Daniel Brophy was working that day with classes scheduled from approximately 0830 hours to 1630 hours. Executive Chef Brian Wilke told me Chef Daniel Brophy was usually the first instructor to arrive on the weekends and would usually arrive between 0715 to 0730 hours in the morning to prepare for his classes and students.

Based on my training and experience, this suggests Nancy Crampton-Brophy was possibly in the area of OCI to conduct surveillance, planning, and research leading up to the murder of her husband at his work site. I know that evidence collected from the search warrant listed as **Attachment 2** of several different life insurance and worker's compensation policies reveal that Nancy Crampton-Brophy was a designated

beneficiary assigned to collect several hundred thousand dollars in the event Chef Brophy was murdered at his work site. I know from talking to Nancy Crampton-Brophy's son in law, Nathaniel Stillwater, and from viewing documents from the search warrant of her residence and various storage facilities that she was a licensed life insurance sales person and therefore very knowledgeable of life insurance and worker's compensation policies.

I know that Detective Darren Posey applied for a search warrant on September 7<sup>th</sup>, 2018 for Nancy Crampton-Brophy's Apple I-phone and Multnomah County Circuit Court Judge Amy Holmes Hehn signed and authorized it. During a search of Nancy Crampton-Brophy's cell phone I saw an SMS message thread/conversation between Crampton-Brophy's cell phone ([REDACTED]) and the number [REDACTED] dated August 13<sup>th</sup>, 2018 with Crampton-Brophy's reply, "I'm sorry but this is a new phone and I'm not sure who this is". The reply to Crampton-Brophy's cell phone from [REDACTED] was, "This is Ted Cook". "Your favorite cousin". Ted Cook later replied, "I texted you my contact info July 28", and Crampton-Brophy's cell phone replied back to him, "Yes I wrote it down because I knew I was changing phones".

I also saw during an examination of Nancy Crampton-Brophy's Apple I-phone in her Messages that there was no historical data prior to August 4<sup>th</sup>, 2018 that I could locate. The first message dated August 4<sup>th</sup>, 2018 from 11113000 read, "AT&T Free Msg: Great news! Your insurance replacement has shipped. Once you receive and activate your replacement device, sign out of iCloud on your damaged device then erase all personal content through Settings>General>Reset, before shipping it back to AT&T. Need help? 1-866-402-4525". The next message on August 4<sup>th</sup>, 2018 from 220-00 read, "[REDACTED] is your Google verification code." Based on the above information

it appeared Nancy Crampton-Brophy received a new Apple I-phone in early August 2018 and possibly erased all data from her old Apple I-phone and returned it to AT&T. This possibly illustrates why there is a large gap of historical data in Nancy Crampton-Brophy's Apple I-phone prior to August 4<sup>th</sup>, 2018 and during the murder timeframe of June 2<sup>nd</sup>, 2018 at back as far as early 2018.

Given the nature of the investigation, a further record of the historical movements of Nancy Brophy and Daniel Brophy leading up to June 2, 2018 are important to the case, in order to show or negate a change of schedule or difference in places visited on particular days of the week and whether or not Nancy Brophy and Daniel Brophy were physically together or separated. Additionally, the record of historical movements could show potential planning, surveillance, or researching of Chef Brophy's work site to successfully effect his eventual murder without detection by potential witnesses and or law enforcement. The information could indicate or negate if Nancy Brophy made a significant change in behavior or actions for Saturday, June 2, 2018, the day of Daniel Brophy's murder or indicate additional observation or preparation of his work site behaviors on his scheduled weekend work shifts leading up to his murder. Because of this potential information I am asking for an extension to the information regarding Historical Precision Location (HPL) information from November 24<sup>th</sup>, 2017 through September 5th, 2018.

AND

Applicant requests all subscriber information for any other phone numbers listed to the same account as the above listed number(s) AND for any other accounts billed to any subscriber at the same address as the listed number(s). Subscriber information is to include billing address, service address, subscriber name, account number, Social Security Number, date of birth, dates of service, so-called "Can-Be-Reached" (CBR)

numbers-alternate contact numbers given by the subscriber, long distance carrier, and any other account-type and/or credit information on file for this customer. Provide the ESN and/or IMSI and IMEI for all cell phones used by the subscriber(s) to the above listed or otherwise referenced telephone number(s). Also provide any other telephone numbers and the above requested subscriber information for any other telephone numbers associated with the subject ESN and/or IMSI and/or IMEI. In addition, supply information on all features subscribed to by each customer (such as caller ID, 3-way calling, speed dial, etc), rate schedules each number is billed on, and any other available billing information, along with all device information from June 2nd, 2018 through September 5th, 2018, to include purchase or replacement of new cellular phone devices associated with this account.

#### **PRAYER**

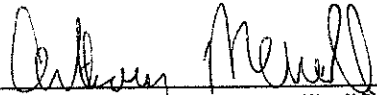
Therefore, your applicant requests that the court issue an order authorizing release of the location of cell site/sector (physical address) at the call origination (for outbound calling), call termination (for incoming calls), and during the progress of a call, along with all text message and or SMS/MMS message transmissions providing the direction and strength of the signal, as well as the Visitor Location Register (VLR) information for the Subject Telephone Number, and Historical Precision Location information specific to AT&T Wireless to include any reports of device activity that would provide the approximate latitude and longitude of the device which will help reveal the general geographical position and movement of the cellular phone handset subscribed to the Subject Telephone Numbers #1 and #2 from November 24<sup>th</sup>, 2017 through September 5th, 2018

**AND**

Applicant requests all subscriber information for any other phone numbers listed to the same account as the above listed number(s) AND for any other accounts billed to any subscriber at the same address as the listed number(s). Subscriber information is to include billing address, service address, subscriber name, account number, Social Security Number, date of birth, dates of service, so-called "Can-Be-Reached" (CBR) numbers-alternate contact numbers given by the subscriber, long distance carrier, and any other account-type and/or credit information on file for this customer. Provide the ESN and/or IMSI and IMEI for all cell phones used by the subscriber(s) to the above listed or otherwise referenced telephone number(s). Also provide any other telephone numbers and the above requested subscriber information for any other telephone numbers associated with the subject ESN and/or IMSI and/or IMEI. In addition, supply information on all features subscribed to by each customer (such as caller ID, 3-way calling, speed dial, etc), rate schedules each number is billed on, and any other available billing information, along with all device information from June 2nd, 2018 through September 5th, 2018, to include purchase or replacement of new cellular phone devices associated with this account.


Date:

1-30-19

 35227  
Detective Anthony Merrill, #35227, PPB

Subscribed and Sworn to before me on

January 30, 2019

  
Honorable Judge  
Multnomah County Circuit Court

# Attachment 1

## IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

IN RE:

WIRELESS CELL NUMBER:

SUBSCRIBED THROUGH:  
AT&T Wireless

) PPB CASE NUMBER 18-183742  
)  
) AFFIDAVIT  
) FOR COURT ORDER AND SEARCH  
) WARRANT AUTHORIZING RELEASE  
) OF HISTORICAL ELECTRONICALLY  
STORED CELL SITE/SECTOR  
INFORMATION AND CELL PHONE  
PRECISION LOCATION INFORMATION

The Portland Police Bureau, by Detective Darren Posey, hereby apply to the Court for an Addendum to Order, related to [REDACTED] (hereinafter the Subject Telephone Number), authorizing AT&T Wireless to release: 1) historical electronically stored cell site/sector information, from May 2, 2018 through June 2, 2018; 2) Historical Precision Location Information for the handset of the Subject Telephone Number, from May 2, 2018 through June 2, 2018. The Subject Telephone Number is the subject of and is relevant to an ongoing criminal investigation related to the Murder of Daniel C. Brophy at 1701 SW Jefferson Street, City of Portland, Multnomah County, Oregon.

### APPLICATION

Your affiant is making an application of to the Court for a historical Ex-Parte order to be issued to AT&T Wireless, a wireless cell phone company, through its appropriate agent, releasing electronically stored historical cell site/sector information (not real-time tracking), including Visitor Location Register (VLR) and Historical



Precision Location (HPL) information, for the Subject Telephone Number, because there are reasonable grounds to believe that such information is relevant and material to the ongoing criminal investigation.

1. Applicant is a peace officer as defined in ORS 161.015 and, therefore, pursuant to ORS 165.657-673 may apply for an order authorizing the installation and use of a pen register device and a trap and trace device. I make this application pursuant to ORS 165.657-165.673 and 18 U.S.C. sections 2701-2712 and 3121-3127 which provide the form and manner for obtaining communications information, call detail material and subscriber information together with cell site/sector information.
2. Applicant certifies that the Portland Police Bureau is engaged in a criminal investigation involving Nancy Lee Crampton-Brophy. It is believed that Nancy Lee Crampton-Brophy was using the Subject Telephone Number during and surrounding the relevant time period, and that the information likely to be obtained from electronically stored historical cell site information, including Visitor Location Register (VLR) information, and Historical Precision Location information is relevant to the ongoing criminal investigation.
3. I have specific and articulable facts to believe that Nancy Lee Crampton-Brophy, with DOE [REDACTED] is a subject of interest in this ongoing criminal investigation.
4. Applicant requests that the Court issue an order authorizing release of the location of cell site/sector (physical address) at the call origination (for outbound calling), call termination (for incoming calls), and during the progress of a call,

along with all text message and or SMS/MMS message transmissions providing the direction and strength of the signal, as well as the Visitor Location Register (VLR) information for the Subject Telephone Number, and Historical Precision Location information specific to AT&T Wireless to include any reports of device activity that would provide the approximate latitude and longitude of the device which will help reveal the general geographical position and movement of the cellular phone handset subscribed to the Subject Telephone Number from May 2, 2018 through June 2, 2018.

5. The applicant further requests that the order direct the furnishing of information, facilities and technical assistance necessary to accomplish any installation of devices necessary, if any, unobtrusively and with a minimum of disruption of normal telephone service. The communications service provider shall be compensated by the Portland Police Bureau for reasonable expenses incurred in providing such facilities and technical assistance.
6. Applicant also requests that this Court authorize your affiant or my designee to FAX and/or EMAIL this application/affidavit and order to the phone companies and that you authorize me to allow the phone companies' employees and/or agents to conduct the actual search of their records and seize said evidence then provide the relevant documents to your affiant for subsequent review and use. Additionally, that you allow me, my agent or designees to include law enforcement and non-law enforcement personnel to search, seize, review and use all information provided. This is to include members of the Oregon Department of Justice (DOJ), as necessary.

7. Because this request relates to a continuing investigation, and the release of any information regarding the investigation while it remains ongoing may seriously compromise the success of the investigation and/or expose individuals to risk of harm, the applicant further requests that this application/affidavit and any associated court orders regarding the Subject Telephone Number require the phone companies, their agents and employees not to disclose to the subscriber, or any other person, the existence of this application/affidavit and order or of this investigation unless otherwise ordered by this Court. Further, that this order and application/affidavit be sealed until otherwise ordered by this Court.

#### **ARTICULABLE FACTS**

On June 2, 2018 I was directed to respond to 1701 SW Jefferson Street to conduct an investigation related to the death of Daniel C. Brophy. The assigned Case Number is 18-183742. During the course of this investigation I oversaw the collection of information from the crime scene located in and around the Oregon Culinary Institute located at 1701 SW Jefferson Street, City of Portland, Multnomah County, and State of Oregon.

The following information is provided to establish probable cause relative to the information sought in this affidavit, and does not necessarily contain all of the facts and circumstances I am aware of relative to this ongoing investigation.

After reviewing the initial police response, talking to officers present at the scene, and debriefing with other investigators who were present the following information has been developed regarding Case Number 18-183742. I was informed police were called

to respond to investigate a subject who had been recently shot with a gun and had died in one of the kitchen areas of the institute at 0823 hours on June 2, 2018. The subject who had been killed was identified as Daniel C. Brophy who was an employed instructor at the institute. Daniel C. Brophy's injuries were such that they could not have been self-inflicted. The location of the crime occurred inside the institute, and it was found the institute did not have any security surveillance systems. After contacting the students and other staff members, the initial investigation was unable to identify any eye-witnesses who had heard or seen the actual crime occur. During the initial interviews with institute administrators I was unable to identify any subjects who had a grudge or dispute with Daniel C. Brophy.

While at the location I conducted an interview with the wife of Daniel C. Brophy. The wife's name is Nancy Lee Crampton-Brophy. Nancy Lee Crampton-Brophy told us she had come to the Oregon Culinary Institute because a friend had called her about an incident that had occurred at the institute and it was on the news, and she had attempted to call Daniel C. Brophy without result. We spoke to Nancy Lee Crampton-Brophy in order to determine when Daniel C. Brophy left his home and what routines he keeps in the morning. Nancy Lee Crampton-Brophy provided a timeline for when Daniel C. Brophy had left their house and she also provided some background information about her husband. Nancy Lee Crampton-Brophy told us she believed Daniel C. Brophy left their residence in Beaverton sometime around 0705 hours and would have arrived at the institute about ten minutes or so later as they only live about five miles away. Nancy Lee Crampton-Brophy also indicated she was at home at the time her husband left the house. Nancy Lee Crampton-Brophy told us she did not know of any dispute or problem with some person that would provide a motive for this incident. Nancy Lee Crampton-Brophy told us Daniel C. Brophy was well liked at the institute and with the